

REMARKS

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the position that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the following remarks.

The present invention teaches a method for forming a complex of cyclodextrin and a guest by precipitation. It has been discovered that by using a high concentration of cyclodextrin during the precipitation process, namely about 15% by weight or above, the yield of complexes, production efficiency and particle size can be controlled.

Claims 1-12 are pending in this Application. Claims 9-12 had been withdrawn from consideration. Claims 1-8 had been rejected as being unpatentable over Hedges.

Hedges teaches that cyclodextrin complexes can be formed by a number of methods. For example, commonly used methods are coprecipitation, slurry, paste and dry mixing methods. Each of these methods is described in Hedges.

The Examiner had stated that Hedges teaches that the cyclodextrin concentration can be between 40-50% by weight in a complex of cyclodextrin and a guest as recited in claims 1 and 5. However, the portion of Hedges referred to be the Examiner is in regard to the slurry method, not the precipitation method.

The Examiner should appreciate the differences between the formation of a precipitate and the formation of a slurry. These are two different separation techniques which are used to isolate compounds. Nowhere in Hedges is it suggested that the claimed concentration of cyclodextrin can be used when separating by precipitation.

For example, when the precipitation, i.e. coprecipitation method, is used the cyclodextrin is dissolved in water and the guest is added and stirred into solution. Complexes form between the guest and the cyclodextrin and then the solution is cooled to cause the complexes to fall out of solution (precipitate) and form a solid.

In contrast, in the slurry method the cyclodextrin is not dissolved in water, and the complex never falls out of

solution because there is no solution. The precipitation and the slurry methods are two different methods and parameters for one method are not the parameters for the other method.

Thus, there is no teaching or suggestion in Hedges to form a precipitate from a complex of cyclodextrin and a guest, where the cyclodextrin is present in a weight percent of about 15% or above.

Claims 3 and 7 had also been rejected as being indefinite. The Examiner had considered the term "modified" to be relative when used in its general sense. Applicants respectfully disagree with the Examiner's interpretation, as the term "modified" has a specific meaning when used in reference to cyclodextrin.

It is conventional in the field of cyclodextrin use and formation to refer to various types of cyclodextrin as modified, unmodified, branched or unbranched, etc. For example, a modified cyclodextrin can be a cyclodextrin whose exterior has been modified to increase its hydrophilic nature, see page 2, lines 16-17. Respectfully, terms such as modified and branched with respect to

cyclodextrin are known to those familiar with cyclodextrin use and production.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any fees be necessary in order to maintain this application in pending condition, appropriate requests and authorization is given to debit account # 02-2275.

Respectfully submitted,

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